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Citations:

Bluebook 21st ed.
1933 1 .

ALWD 6th ed.
, , 1933 1 .

Chicago 7th ed.
", " Hawaii - 17th Legislature - Special Session : 1-[i]

AGLC 4th ed.
" Hawaii - 17th Legislature - Special Session 1.

OSCOLA 4th ed.
" 1933 1

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ACT 25

[H. B. No. 100]

AN ACT TO AMEND SECTION 3487 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TRUST COMPANIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3487 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto at the end thereof the following:

"Provided that the treasurer may, whether before or after making such application, permit such company to continue or resume business upon its effecting appropriate remedies within such time and upon such terms and in such manner as he shall approve, as by making good the impairment of its capital, or by reducing its capital to the extent of the impairment but not below the amount required by law or by selling all or any of its assets or capital stock to or merging with any trust company, whose capital has not been impaired, which will take over and assume its liabilities, or by making satisfactory arrangements with its creditors, or by reorganization or otherwise."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of January, A. D. 1934.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 26

[H. B. No. 70]

AN ACT REGULATING THE SALE, TRANSFER AND POSSESSION OF FIREARMS AND AMMUNITION AND REPEALING SECTIONS 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146 AND 2147, REVISED LAWS OF HAWAII 1925, ACT 206, SESSION LAWS OF HAWAII 1927, AND ACT 120, SESSION LAWS OF HAWAII 1933.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146 and 2147 of the Revised Laws of Hawaii 1925, Act 206, Session Laws of Hawaii 1927, and Act 120, Session

Laws of Hawaii 1933, and all other laws or parts of laws in conflict with the provisions of this Act, are hereby repealed.

SECTION 2. Definitions. "Firearm" as used in this Act means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and sub-machine guns. The specific mention herein of certain weapons does not exclude from the definition other weapons operated by explosives.

"Crime of violence" as used in this Act means any of the following crimes, namely: murder, manslaughter, rape, kidnapping, robbery, burglary, and those certain crimes set forth in Sections 4130 and 4131 of said Revised Laws.

"Pistol" or "revolver" as used in this Act, means and includes any firearm of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas.

"Person" as used in this Act includes individuals, firms, corporations and copartnerships, and includes wholesale and retail dealers.

SECTION 3. Every person residing or doing business or temporarily sojourning within the Territory on the effective date of this Act who possesses a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, not already registered in the name of the present possessor, or who possesses ammunition of any kind or description, except shotgun ammunition, shall, within ten days of said effective date, register the same with the chief of police of the city and county of Honolulu or the sheriff of the county, other than the city and county of Honolulu, wherein is his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn.

Every person arriving in the Territory after the effective date of this Act, who brings with him firearms or ammunition of the type and description set out in this section, shall register the same in similar manner within forty-eight hours after arrival.

The registration shall be on such forms as may be designated by the bureau of crime statistics and shall include a description of the class of firearm or firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained.

Within sixty days after the effective date of this Act, the chief of police of the city and county of Honolulu and the sheriffs of the several counties, other than the city and county of Honolulu,

shall furnish the bureau of crime statistics a record of all registrations now on file in their respective offices. Within ten days after the end of each month the chief of police of the city and county of Honolulu and the sheriffs of the several counties, other than the city and county of Honolulu, shall furnish to the bureau of crime statistics duplicate copies of all registrations made during the preceding month.

No fee shall be charged for such registration.

Any person who fails to comply with the provisions of this section shall be punished by a fine of not more than two hundred and fifty dollars (\$250.00).

SECTION 4. No person residing or doing business or temporarily sojourning within the Territory shall take possession of any firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior Acts or unregistered, or of any ammunition of any kind or description, except shotgun ammunition, either through sale, gift, loan, bequest, or otherwise, whether procured in the Territory or imported by mail, express, freight, or otherwise, until he shall first have procured from the chief of police of the city and county of Honolulu or the sheriff of the county, other than the city and county of Honolulu, wherein is his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein. The chief of police of the city and county of Honolulu or the sheriffs of the several counties, other than the city and county of Honolulu, are hereby authorized, within their discretion, to issue permits, within their respective jurisdictions, to acquire rifles, pistols, and revolvers to citizens of the United States, of the age of twenty years or more, and to duly accredited official representatives of foreign nations. Permits to acquire ammunition for rifles, pistols and revolvers acquired prior to the effective date of this Act and registered in accordance with the provisions hereof, may be granted persons of the age of twenty years or more irrespective of citizenship. Permits to acquire shotguns may be granted to persons of the age of sixteen years or more, irrespective of citizenship. Applications for such permits shall be signed by the applicant upon forms to be specified by the bureau of crime statistics, and shall be signed by the issuing authority. One copy of such permit shall be retained by the issuing authority, as a permanent official record. Such permit shall be void unless used within ten days after the date of issue. In all cases where possession is acquired from another person in the Territory the permit shall be signed in ink by the holder thereof and shall thereupon be delivered to and taken up by the person selling, loaning, giving or delivering the firearm or ammunition, who shall make entry thereon setting

forth in the space provided therefor the name of the person to whom the firearm or ammunition was delivered, and the make, style, caliber, and number, as applicable. He shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of such firearms or ammunition is had by mail, express, freight, or otherwise, from sources outside the Territory, the person to whom such permit has been issued, shall make the prescribed entries thereon, sign in ink, and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearms or ammunition. No person shall sell, give, loan, or deliver into the possession of another any firearm or ammunition except in accordance with the provisions of this section.

Any person acquiring a firearm or ammunition under the provisions of this section shall, within five days of acquisition, register same in the manner prescribed by Section 3 of this Act.

No fee shall be charged for permits under this section.

Any person who violates any provision of this section shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one year, or by both.

SECTION 5. Any person who has procured a hunting license under the provisions of Sections 2028-2032, inclusive, of the Revised Laws of Hawaii 1925, as amended, shall, while actually engaged in hunting or while going to or from the place of hunting, be authorized to carry and use any lawfully acquired rifle or shotgun and suitable ammunition therefor.

SECTION 6. The possession of all firearms and ammunition shall be confined to the possessor's place of business, residence, or sojourn, or to carriage as merchandise in a wrapper from the place of purchase to the purchaser's home, place of business or place of sojourn, or between these places and a place of repair, or upon change of place of business, abode, or sojourn, except as provided in Sections 5 and 8; provided, however, that no person who has been convicted in this Territory or elsewhere, of having committed or attempted a crime of violence, shall own or have in his possession or under his control a pistol or revolver or ammunition therefor. Any person violating any provision of this section shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or by both.

SECTION 7. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, sub-machine guns, automatic rifles, cannon, mufflers, silencers or devices for deadening or muffling the sound of discharged firearms, or any bomb or bombshell is prohibited. Any person convicted of a viola-

tion of this section shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or by both.

SECTION 8. In an exceptional case, when the applicant shows good reason to fear injury to his person or property, the chief of police of the city and county of Honolulu or the sheriff of a county, other than the city and county of Honolulu, may grant a license to a citizen of the United States or a duly accredited official representative of a foreign nation, of the age of twenty years or more, to carry concealed on his person within the city and county or the county in which such license is granted, a pistol or revolver and ammunition therefor. Unless renewed, such license shall automatically become void at the expiration of one year from date of issue. No such license shall issue unless it appears that the applicant is a suitable person to be so licensed, and in no event to a person who has been convicted of a felony, or adjudged insane, in the Territory or elsewhere. All licenses to carry concealed weapons heretofore issued shall expire at midnight on the effective date of this Act. No person shall carry concealed on his person a pistol or revolver or ammunition therefor without being licensed so to do under the provisions of this section.

For each such license there shall be charged a fee of ten dollars (\$10.00), which shall be covered into the treasury of the city and county or the county in which such license is granted.

Any person violating this section shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or by both.

SECTION 9. No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number or other mark of identity of any firearm or ammunition. Possession of such firearm or ammunition upon which any mark of identity shall have been altered, removed, or obliterated shall be presumptive evidence that such possessor has altered, removed or obliterated the same. Any person who violates the provisions of this section shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one year, or by both.

SECTION 10. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was unlawfully armed with a firearm shall be prima facie evidence of his intent to commit said crime of violence.

SECTION 11. The provisions of Sections 6, 7 and 8 of this Act shall not apply to members of police departments, sheriffs, marshals, members of military and naval forces of the Territory and

of the United States, mail carriers, law enforcement officers, or persons employed by the Territory or subdivisions thereof or the United States whose duties require them to be armed, while such persons are in the performance of their respective duties, or while going to and from their respective places of duty, nor shall the provisions of Sections 3 and 4 of this Act apply to such firearms or ammunition as are a part of the official equipment of any Federal agency.

SECTION 12. All firearms or ammunition carried or possessed contrary to this Act shall be forfeited to the Territory, and shall be destroyed by the chief of police of the city and county of Honolulu or the sheriff of the county, other than the city and county of Honolulu, in whose jurisdiction they are forfeited.

SECTION 13. All permits and licenses provided for under this Act may be revoked, for good cause, by the issuing authority or by the judge of any court.

SECTION 14. Within ten days after the last day of each month each of the authorities herein authorized to issue or revoke permits and licenses shall make a report to the bureau of crime statistics as of the last day of the preceding month of all permits and licenses issued or revoked by him. Said report shall be in such manner and in such form as the bureau of crime statistics shall prescribe.

SECTION 15. If any person, in complying with any of the requirements of this Act, shall give false information, or offer false evidence of his identity, he shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one year, or by both.

SECTION 16. If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 17. This Act shall take effect upon its approval.

Approved this 9th day of January, A. D. 1934.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.